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March 31, 2023

VIA ECF

Hon. Jennifer H. Rearden
United States District Judge
Southern District of New York
500 Pearl Street, Courtroom 12B
New York, New York 10007-1312

Re: *Dezign N.A. v. Seamless Capital Group LLC et al.*
1:22-cv-10098 (JHR)

Dear Judge Rearden:

This firm represents defendant Seamless Capital Group, LLC (“Seamless”) in the above-referenced action.

By Order dated March 31, 2023 (ECF Doc. 22), this Court directed plaintiff Dezign N.A. (“Dezign”) and Seamless to file a letter by April 19, 2023, advising the Court of the status of settlement and of the temporary restraining order and preliminary injunction previously filed by Dezign (the “TRO,” ECF Doc. 6) and timely opposed by Seamless (ECF Docs. 14-15).

With respect to settlement, Dezign and Seamless engaged in good faith negotiations in January 2023. However, after the last offer transmitted by Seamless in late January 2023, Dezign did not further communicate with Seamless. Seamless remains willing to conclude a settlement but has no information on whether Dezign continues to seek a TRO more than three months after filing its “emergency” application (ECF Doc. 6) or even continue this case.

Seamless also notes that, like other Defendants identified in the Court’s March 31, 2023 Order, an affidavit of service of the pleadings has never been filed with respect to Seamless and, to its knowledge, Seamless has never been served. In entering an appearance and opposing the TRO, Seamless reserved all jurisdictional defenses and noted the lack of service of process. ECF Docs. 13, 15 (at p. 1). Because it has not been served, Seamless requests that the Court’s directive that it file an Answer by April 19, 2023 (ECF Doc. 22) be amended to require Dezign to either file proof of service or explain its failure to timely serve Seamless within 90 days of its November 29, 2022, Complaint before any answer date is set by the Court.

Your Honor's attention to this matter is greatly appreciated.

Respectfully,

/s/ Gabriel Mendelberg

cc: Counsel of Record
ECF